THE

Christian Moderator, Second Part.

OR

Persecution for Religion condemned

By the { Light of Nature, / Law of God, / Evidence of our own Principles:

But not by the practice of our Commissioners for Sequestrations.

Rom. 2.

Wee rest in the Law, and make our boast of God, wee know his Will, and approve the things that are more excellent, &c.

Wee therefore who teach another, teach wee not our selves? wee that preach a man should not steal, do wee steal? &c.

——Video meliora, proboq;
Deteriora sequor.——

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Christian Moderator.

Perſecution for Religion condemned &c.

IN the precedent part of this diſcourſe, I have demonſtrated (according to that light which the *Lord Chriſt* hath infuſed into my Soul) how much Coercency in Religion is repugnant to the Law of Nature, and, by many evident and unanſwerable Texts of Scripture, ſhewed, how diſpleaſing it is to God, how improper to advance the power of godlineſs, and how extremely diſagreeable to the ſweet Spirit, which guided our *Lord Jeſus* in the propagation of his Goſpell. And after in the ſame little Treatiſe I proceed to prove (by the expreſſe words of the Parliaments and Armies Declarations) that the great Principle wherin we glory, and which we have ſo long fought to eſtabliſh, is a perfect Goſpell-freedome, and abſolute deliverance of the Conſcience from all Tyranny and Oppreſſion.

Which diſcourſe as I compos'd in all humbleneſs of ſpirit, and afterwards offered to the gracious Redeemer of our Souls, who gave me the ſtrength and power to finiſh it to his Glory: So I find not only my ſelf (for which I humbly thank the bounty of my God) confirmed in my former judgement, but others in ſome meaſure convinced in theirs, of the unreaſonablenes and ſinne of Conſcience-Perſecution.

Concerning which pious and modeſt temper of mutuall forbearance, I ſhall only add to what I have mentioned in the former part, this plain and familiar Obſervation, That as the ſureſt mark of a tender conſcience in our ſelves, is a tender ſpirit to others, ſo truly it is the generall ſenſe of all the Godly and well-affected in this Nation, that no quiet and peaceable Chriſtian be deprived of the chief content and comfort of this life, which certainly is a reall and impartiall, yet unoffenſive, liberty to ſerve his God according to his conſcience. Many Petitions I could here cite in affirmance of this Truth, from ſeverall Provinces of this Land; but I ſhall trouble the Reader only with theſe two, the firſt was preſented to the Parliament upon the ſix and twentieth of *March* 1649. from the County of *Leiceſter*, wherein, though I were none of the Subſcribers; yet I did, both by my ſelf and friends, promote it what I could, as conceiving the requeſts of it, both juſt and reaſonable; it bore this Title,

The humble Petition of divers well affected of the County of Leiceſter, *in behalf of themſelves and the Nation*,

AND the ſeventh Article or branch of the Petition was this. 7. *That every one may enjoy the juſt freedomes to worſhip God according to his word, without any Coercive or Reſtrictive courſes to the contrary.*

The Petition being read, the Gentlemen that preſented it were called in, and Maſter *Speaker*, by Order of the Houſe, gave them hearty thanks, &c.

And on the 2 of *April* following, a like Petition was presented, entituled, *The humble Petition and Representation of severall Churches of God in London, commonly, though falsly, called Anabaptists*, which was also graciously accepted by the House, according to the Merit of so conscientious a suit, and the justice of so glorious a Parliament.

At which time we happily began to shake off that intollerable burthen of *Isachar*, the Presbyterian government, which has bin since in a good measure effected, through the blessing of the Lord Christ, and pious care of his instruments, the Governours of this Common-wealth.

In so much as no persons of what society or perswasion soever in this Nation, are at present persecuted for their Conscience onely, or difference in outward worship, but the Papists, whom I am therefore (according to that Principle of charity which absolutely commands my spirit,) obliged to make the chief subject of this discourse.

In order to which performance, I have (since the writing my former sheets) often waited upon God in humility of spirit, and endeavored to inform my self, as much as I could of the truth, and particular manner of their sufferings, and to that end have sometimes purposely attended at Haberdashers hall (that English Inquisition, as some terme it) to hear their Cases pleaded. But before I proceed to any of those particulars, I must (at least in my own judgement) cleer the Papists of obstinacy and non-submission to the present government, wherewith they were by some accus'd, as a sufficient ground of all their punishment; from which imputation I shall easily deliver them by transcribing a copy of their Petition, which they have with much diligence and humble importunity, addressed to very many Members of Parliament, professing to wait onely the happines of an opportunity to present it to the House, and being a Paper at least 5 or 6 months old, and delivered to so many persons, with whom I have the honour to be acquainted, it fell by chance into my hands, having I confesse of late entertained a particular delight and recreation to passe some part of my time in such curiosities.

To the supreme Authority of this Nation, the Parliament of the Common-wealth of England,

The humble Petition of the Roman Catholikes

Sheweth,

THat your Petitioners have long waited some happy leisure, when there might be a hearing allowed them of their many sad pressures, the weight whereof hath sunk them so ruinously low, that they are utterly disabled to discharge their many debts, make the least provision for their Children, or relieve themselves, reduced to extreme necessities.

That even such of your Petitioners, as are sequestred for Delinquency, have still comforted their sorrowes with this hope, that at the last they should certainly be received to mercy; since the generall VOTES for Composition of the 17. of MARCH 1648. seem cleerly to imply them capable thereof, when the Rules concerning them should be agreed upon.

That

That now the wisdome of the Parliament applying it self to establish the people of this Common-wealth in a quiet and setled condition, your Petitioners take up an humble confidence, that they alone shall not be excluded from so universall a benefit.

And therefore humbly pray, that the Lawes and proceedings concerning them may be taken into consideration, and such clemency and compassion used towards them by Composition or otherwise, as in the judgement of this honorable House may consist with the publike peace, and your Petitioners comfortable living in their native Country.

And they further humbly pray, that it would please the Parliament to vouchsafe them the permission of cleering their Religion from whatsoever may be inconsistent with Government, which will assuredly be done to full satisfaction, if there may be a Committee appointed, by this honorable House, on whom they may have the privilege to attend.

And your Petitioners shall ever pray, &c.

THis to my sense beares it self with so much respect and submissivenes in the style, that it can no wayes be interpreted misbecoming the duty of good and peaceable subjects; and for the matter of the Petition, it seems to my eye so reasonable, that I cannot believe, but after a little patience, till other more generall affaires afford the Parliament leisure, it will certainly receive a satisfactory and releeving Answer; Especially since not onely such Papists, whose moderate delinquency leaves them some hope of mercy, nor such who for preservation of their lives, were forced to fly into the late kings Garrisons, without ever acting any thing against the State, but even the most innocent, who all this while have sate still under so many pressures, and never were charged with other accusation, than their Religion, yet all freely and humbly submit in this Petition to the absolute pleasure of the Parliament for Rules of Composition, and this (as to the single Papist) for an offence, which in no other society of Christians in this Nation is accounted any crime at all, being meerly their different judgement in Religion; a proceeding, wherein certainly we shall use too much severity, and partiality, if we make it not only unpardonable, but unredeemable.

In the close of their Petition they humbly beg the favour of an opportunity to satisfy the Parliament in the point of consistency with *Civil Government*, which being the chief Objection that (without passion) can be made against them, surely we should not take offence, at their most deligent applications, and utmost endeavours, to deliver themselves from so destructive a charge, laid upon their Religion.

In order to wich performance, divers (it seemes) Papists of considerable quality, unanimously agreed upon this following Explanation, to declare and witnes to the world the perfect consistency of their Religion, both with civill Government, and civill society, joyning also in the same paper, the like expressions of their Belief concerning some few other points, which they were informed to be more obnoxious to exception, than the rest;

As the vnder-valuing of holy Scripture, and over-valuing the authority of the Church: Invocation of Saints and Angells, and worship of Images; and above all, the proud opinion of Merits: This paper they drew up as a preparatory to a more full and perfect clearing of their Faith from those prejudices and misunderstandings, which ordinarily men of different perswasions entertain, especially in Controvertſies about matters of Religion.

The Paper, conteining certain Doctrines of the Papiſts, and by them delivered to divers perſons of quality for their particular ſatisfaction.

I

WE *believe the holy* Scriptures *to be of divine inſpiration and infallible Authority; and whatſoever is therein conteined we firmly aſſent unto, as to the word of God, the Author of all Truth.*

2 Pet. 3. 16 *But ſince in the holy Scriptures there are ſome things hard to be underſtood, which the ignorant and unſtable wreſt to their own deſtruction; we therefore profeſſe (for the ending of controverſies in our Religion, and ſetling of peace in our Conſciences) to ſubmit our private judgements to the Judgement of the Church, repreſented in a free Generall Councill.*

II

2. *We humbly believe the ſacred Myſtery of the* Bleſſed Trinity, *one Eternall, Almighty, and Incomprehenſible God, whom only, we adore and worſhip, as alone having Soveraign Dominion over all things, to whom only, we acknowledge as due from men and* Angells, *all glory, ſervice, and obedience; abhorring from our hearts, as a moſt deteſtable Sacrilege, to give our Creators honor to any creature whatſoever.*

1 Tim. 1. 17.

And therefore we ſolemnly proteſt, that by the prayers we addreſſe to Angells *and* Saints, *we intend no other than humbly to ſollicite their aſſiſtance before the Throne of God, as we deſire the prayers of one another here upon earth, not that we hope any thing from them, as originall Authors thereof, but from God the Fountain of all Goodneſſe, through* Jeſus Chriſt, *our only Mediator and Redeemer.*

Neither do we believe any divinity or vertue to bein Images, *for which they ought to be worſhip'd, as the* Gentiles *did their* Idolls, *but we retain them with due and decent reſpect in our Churches, as inſtruments, which we find by experience, do often aſſiſt our memories, and excite our affections.*

III

Rom. 3. 24

3. *We firmly believe, that no force of nature, nor dignity of our beſt works, can merit our* Juſtification, *but we are juſtified freely by* grace, *through the Redemption that is in* Jeſus Chriſt.

And although we ſhould by the grace of God perſevere unto the end in a godly life, and holy obedience to the Commandements, yet are our hopes of eternall glory ſtill built upon the mercy of God, and the merits of Chriſt Jeſus.

All other merits, *(according to our ſenſe of that word) ſignifie no more, than Actions done by the aſſiſtance of Gods grace, to which it has pleaſed his goodneſſe to promiſe a reward; a Doctrine ſo far from being unſuitable to the ſenſe of the holy Scriptures, that it is their principall deſign to invite and provoke us to a diligent obſervance of the* Commandements, *by promiſing heaven, as the reward of our obedience.* 1 Tim. 4. 8. *Godlineſſe is profitable to all things, having the promiſe of this life, and of that which is to come, And,* Rom. 2. 6. *God will render to every*

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man according to his deeds, to them, who by patient continuance in well-doing seek for glory, and honor, and immortality, eternall life. And again, Rom. 8. 13. *If you live after the flesh, you shall die, but if through the spirit you mortifie the deeds of the body, you shall live. And* Heb. 6. 10. *God is not unjust to forget your work and labour of love, which you have shewed for his name, &c.* Nothing being so frequently repeated in the word of God, *as his gracious promises to recompence with everlasting glory the faith and obedience of his servants; Not as the bounty of God barely according to our works, but high and plentifull, even beyond our capacities, giving full measure, heaped up, pressed down, and running over into the bosomes of all that love him.* Luk. 6. 38.

Thus we believe the merit or rewardablenesse of holy living (both which signifie the same thing with us) arises not from the self-value even of our best actions, as they are ours, but from the Grace and Bounty of God; and for our selves, we sincerely professe, when we have done all those things which are commanded us, we are unprofitable servants, having done nothing but that which was our duty; So that our boasting is not in our selves, but all our glorying is in Christ. Luk. 17. 10

IV.

We firmly believe, and highly reverence the Morall Law, *being so solemnly delivered to* Moses *upon the Mount, so expressly confirmed by our Saviour in the Gospell, and containing in it self so perfect an Abridgment of our whole duty both to God and man.* Exod. 20. Mat. 19. Eccles. 12. 13.

Which Morall Law *we believe obliges all men to proceed with faithfulnesse and sincerity in their mutuall contracts one towards another; and therefore our constant Profession is, that we are most strictly and absolutely bound to the exact and entire performance of our promises, made to any person of what Religion soever; much more to the Magistrates and Civill Powers, under whose protection we live, whom we are taught by the word of God to obey, not only for fear, but conscience sake; and to whom we will most faithfully observe our promises of duty and obedience, notwithstanding any dispensation, absolution, or other proceedings of any forraign Power or Authority whatsoever.*

Wherefore we utterly deny and renounce that false and scandalous Position, that Faith *is not to be kept with Hereticks, as most untheritably imputed to our practices, and most unjustly pinned upon our Religion.*

These we sincerely and solemnly professe, as in the sight of God, the searcher of all hearts, taking the words plainly and simply, in their usuall and familiar sense, without any Equivocation or Mentall Reservation whatsoever.

THese expressions, concerning four of the most offensive points wherein the Papists differ from us, have I confess given me a great and unexpected satisfaction; And though I remain in the same mind as to the erroniousnes of many of their Tenets, yet I see we may easily be too passionate in the degree of detesting any different opinion, since every error is not presently to be censured, as an unsufferable abhomination; and too severe in the degree of persecuting the dissenters from our own judgements, as if they were unworthy to breath the same ayr with our selves.

Certainly, many Protestants, who quietly enjoy a just and unmolested freedom

freedom, approach very neer to the first assertion of the Papists, whilst some both writers & discoursers, professe to submit their private judgments unappealably to a truly-free Generall Councill, that we might once have an end of all strife and contention about matters of Religion; others refer themselves without further instance to a Provinciall Assembly of Divines, and very few but will prefer the judgment of the supreme Authority of this Nation, before their own particular sense, readily conforming to that Declaration which the Parliament shall hold forth to be the true meaning of the Scripture: So that almost every one agrees in the acknowledgment of an externall Authority to decide such Controversies, as arise out of the different interpretation of Gods word, which is the main exception against the Papists, in that they pin their faith upon the Churches sleeve, and yield a blind obedience (that is without appealing any further) to her determinations.

And for the second branch, I am sure many Protestants continue still those old customes of baring their heads when they come into a Church, nay of bowing at the name of *Jesus*; Practices that lye open to the greatest part of those objections, which our more godly and conscientious penns make against the Papists in the question of Pictures; yet I hope there will never be the least thought entertained of imposing penalties upon the private and unscandalous use of any such Ceremonies: Rather let us apply our endeavours to open their eyes with a mild and gentle hand, than beat them out with the club-fist of the Law.

But when I reflect upon the third conclusion in the Recusants paper, I am astonisht to consider how Education with a little mixture of Passion or interest, makes every slight distemper amongst Christians (which of it self were easily curable) so desperate, that it often becomes irrecoverable; and endangers both the health and life of Christianity. Surely in many things we strangely mistake one an other. I professe sincerely, I should be so far from seising on the Estate of a Papist for refusing that part of the Oath of Abjuration, wherein he is compelled to renounce the Doctrine of Merits, that I am resolved to suffer a thousand deaths, rather than abjure so great and manifest a Truth, according to the sense wherein they explain themselves, or affirm so great and manifest an Errour, according to the sense wherein we explain our selves. For when we censure the Doctrine of Merits, we understand by that word, our Deserts, as they exclude the Merits of Christ, and abstracting from the Covenant God hath been pleased to make with us in his Son, and in that sense we justly condemn all opinions of Merit, even of the best works, as presumptuous and Luciferian; But I now see when the Papists affirm that good workes are meritorious, they include both the promise of God and the merits of Christ Jesus, and in effect when all is summed up, it amounts only to this, That God hath graciously promised, and will faithfully keep his word, to reward all those with eternall life that believe in him, and obey his commandements. In this sense the Papists hold mercifullnes to be meritorious, or avaylable to salvation, because the Scripture sayes, *Blessed are the mercifull, for they shall obtain mercy*. Math. 5.7. In this sense the Papists hold patience in affliction to be meritorious or avaylable to salvation, because the Scripture sayes, *Blessed are they who are persecuted for Righteousnes sake, for theirs is the Kingdome of Heaven*. Mat. 5. 10. And

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this (as I am informed by very understanding men amongst them) is the real truth of their Doctrine, concerning Good works, which in my judgement differs nothing from ours, but onely in the unsavory and proud-sounding word Merit.

The last Clause of the Papists Noat, which I have transcribed, is so full and satisfactory, that if they wilbe as good as their words, I shall neither fear to have such neighbours, nor need any Magistrate fear to have such subjects.

And to prove their trustines and fidelitie, in the observance of their oaths, I cannot imagine a more evident demonstration, than that they make a conscience of what oaths they take; he that sweares any thing without distinction, may justly be suspected to be as false to men, as he is fearless of God, whereas no cleerer argument can be alleged in the behalf of any, that they intend to keep all the oaths they take, than this, that they will not take all the oaths you offer; surely if either the Pope or their own Consciences could give them this extravagant privilege, to be bound by no oath, they might without difficulty take any, and if they were allowed by their Religion to swear any thing, certainly they are all worse than mad, if they doe not immediatly post away to *Haberdashers hall*, call for the oath of Abjuration, swallow it down quickly without any chewing, and so save at least 50000 l. a year in a morning.

In the late Kings dayes, many Papists were smartly punisht for not taking the oath of Alleagiance, none for not observing it, nay I have heard some Papist-delinquents argue for themselves, that the utter ruine, which now endangers their whole estates, proceeds solely from their performing to the late king that service, which he called alleagiance, and this is yet a higher proof of their fidelity in their promises, since they adventured with so much hazard to keep that oath in substance, which they refused with almost as much hazard to take, because against their Conscience in some circumstance.

And now let any one judge indifferently, whether they that firmly beleeve all the holy Scriptures of the old and new Testament, worship and adore only one God, rely upon *Jesus Christ* for their sole Mediator, and professe it their duty to observe the Commandements of the *Morall Law*, may not reasonably be suffered to live in their native Country with the peaceable enjoyment of their Consciences in their private houses, especially those who will quietly submit to such cautions and restrictions, as the Common-wealth shall require for prevention of scandall, or disturbance of the publick peace.

Besides I am perswaded a far less liberty will *oblige* the Papists, than *content* any other, because hitherto all liberty has bin wholly denyed to them, and wholly allowed to every one else; so that they will gladly receive, as a mercy and favour, what others challenge as a right, and their affections being once purchased at so cheap a price, as a little private exercise of their conscience, free from the fright and smart of penalties, I am confident they will neither be such fooles, as to forfeit their libertie, nor so ungratfull to forget them that gave it; since out of all our Histories not one example can be assigned, that they ever offered to move the least sedition, in a time when they enjoyed but half the liberties of free-born English men.

Therefore I shall close my thoughts upon this Paper, with a short and free conclusion, which I conceive abridges in few words the whole difficulty be-

twixt subject and superiour; The Magistrate that protects any sort of people in his dominions, may justly require their service, and safely rely upon their obedience, but if he persecute them, whether Protestants or Papists, he will soon find, that, as he may violently force their complyance, he can never prudently rest upon their affections.

But I must here beg leave to be dispensed with in my promise of ending this period, till I have added this observation, How many Modern Authors of good account amongst us, have positively held forth to the people (as an unquestionable truth) that the *Papists* by their principles *are not obliged to keep faith with Hereticks*? and I must acknowledge I was once of the same opinion concerning them, principally relying upon the credit of Mr. *James Howell*, an ingenious traveller in most of the Popish Countries, which makes me the more wonder, that he should take such an erroneous opinion upon trust, and assert it in print neer the end of his first part of *Dodona's Grove*, where he sayes, *That one of the Canons of the last great Councill* (which must needs be the Councill of *Trent*) *was that, Hæreticis non est tenenda fides*, which made mee I could not acquiesce to some Recusants verball deniall of this assertion; but (for more ample satisfaction in this so important a point) I took the paines to peruse some of their best writers, and found them unanimously agree, *that faith is not onely to be kept with Heretikes, but even with Turks, Jewes and Infidells, and that indispensably*: neither could I find one tittle to that purpose in any Canon or Session of that last great *Councill*, (as he calls it) but to the contrary; For both in the 15, and 18 *Session*, the *Councill* sayes expressly, *that whosoever shall violate the least point of the publique faith, given for the security of all Protestants, that should repair to that Councill, should be subject to those penalties, quas jure divino et humano aut consuetudine hujusmodi salvorum conductuum violatores incurrere possunt, absque omni excusatione aut quavis in hac parte contradictione*. By which it evidently appeares, that the Councill supposed, as a thing known and certain, that whosoever should violate his faith promised to Heretiques, was not onely punishable by humane Laws, but even by the divine Law it self.

And certainly if it had been my unhappinesse to have done any sort of Christians so much wrong in publique, my conscience (comming afterwards to be better inform'd) would oblige mee to a publique reparation; for though wee use no such *confession*, as the Papists practise, yet the Law of naturall reason binds us to as punctuall an observance of restitution, as any Papist whatsoever, and that even to Papists themselves, when wee doe them any injury.

But for a finall dispatch of this point concerning the Papists indispensable obligation of performing their promises, it was my fortune to light upon a book of one *Paul Layman* a German Iesuit, and an Author of great esteem amongst the *Casuists* (who, treating of dispensations *lib. 2. tract. 3. cap. 12*) sets down these very words, *Dico quartò, Si Catholici cum Hæreticis publicum fœdus meant, non potest per authoritatem Pontificiam solvi aut relaxari; If Catholiques enter into any publique contract with Hereticks, it cannot be dissolv'd or dispensed with by the Popes power*. And some few lines after, proceeding upon the same question, he pronounces down-right, *Absolutè negari debet id* (*viz. remissionem fœderis,*) *à summo Pontifice fieri posse; It ought absolutely to be denied, that it is*

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in the Power of the Pope to absolve from such contracts. And again, *Fides publica hæreticis data inviolabiliter et sine ullo dispensationis remedio servanda est, quamdiu ipsi servare parati sunt: Publique faith given to Hereticks ought inviolably and without dispensation to be observed, so long as they are ready to perform their part.* And concludes that even *Jesuites*, as well as other *Doctors*, hold the Popes power to be limitable, and not so almighty as the World usually believes concerning them. The same doctrine is repeated in the abridgment of *Laymans* book entituled *Compendium Moralis Theologiæ Pauli Layman, folio 265.*

The Papists having given so much satisfaction by their Petition and other Paper, but much more by their submission to, and peaceable demeanour in this Common-wealth, as it stands now establisht; I must appeal not only to the Parliament, and that great Instrument of our freedome my *Lord Generall Cromwell*, but to all Conscientious men, whether these Papists may not reasonably hope so much mercy, as not to bee by penalties debard the private exercise of their Consciences, with their doores shut, and such other cautions and circumstances, as the State shalbe pleased to ordain for regulation of Soul-freedom; since it is evident that Christian liberty may be lawfully governed, though it be also as evident that it cannot lawfully be taken away, so that every peaceable spirit have liberty enough, and yet the licencious Liver not have too much.

Such moderate and orderly freedom might charitably be allowed to the quiet Papist from persons that afford far more advantages to far more dangerous enemies, the Scotch or rigid *kirkists*, who have severall times engaged against us in open field, and by many plots and secret contrivements endeavored (as much as in them lay) to subvert the present government, yet after so many victories obtained against them, and the reducing of the greatest part of their Country to the obedience of this State; *The Ministers* (as sayes a letter of the 21th of *Febr.* 1651, from an Officer of our Army at *Edinborough*) *are violently bent their own way, and preach damnation to all Complyers with us in any thing.*

And let any indifferent person read the strange proceedings of the Presbytery of *Aberdeen* against *Sir Alexander Irving*, Lord of Drum, published in the *Diurnall*, *26 Ian.* 1651, he will (I am confident) highly applaud that ingenious letter from an eminent officer of our Army, dated at *Edinborough* the 21th of the same moneth, and published in the next weeks *Politicus*, which hath these very words. *You would wonder to obserue the strange pride and proceedings of the kirk Clergy, the ingredients of whose constitution admit of many more grains of gunpowder, than you shall find in any Jesuites in Christendom; so that if they be not closely look'd unto, they will set all on fire again.*

And in another letter dated 12th of *April*, 1652, from *Dalkeith* in Scotland, and printed in the next weeks *Diurnall*, is this excellent observation; *Believe it, all our other Enemies are tame beasts to the high Presbyter, and yet with the winding and turning of a religious pretence and an artificiall zeal against Hæresy, he will like a tame snake (if not warily avoided) get into your bosom, &c.*

Continually every week come still fresh and loud complaints from our friends and Officers in Scotland of the Stubbornes of a certain fro ward and restly party in that Nation.

Yet notwithstanding the pertinacy and malice of these *kirkists*, such of them as have not appeared in actuall armes against us are so far from being sequestred, that many of them enjoy great places of honour and benefit under our Government. And (such is the States mercy towards them) that the Commissioners for setling the affaires of Scotland by their declaration of the 21 *Feb.* 1651, grounded upon the *Declaration* of the Parliament of the Common-wealth of *England*, have expreſt a particular regard and indulgence to the whole Nation; in these words. *That such Ministers whose Consciences oblige them to wait upon God, in the Administration of spirituall Ordinances, according to the Order of the Scotish Churches, with any that shall voluntarily joyn in the practice thereof, shall receive protection and encouragement from all in authority, in their peaceable and unoffensive exercise of the same: as also others, who not being satisfied in Conscience to use that form, shall serve and worship God in other Gospell-way, and behave themselves peaceably and unoffensively therein.*

And wee doe lastly declare, That all Merchants, tradesmen and handicrafts men, not having in lands and goods above the cleer value of 500l. *sterling, and all other persons not having in lands and goods above the cleer value of* 200l. *sterling (not being Prisoners of war, or Souldiers of fortune in Commission) who shall in pursuance of the said declaration live peaceably, and yeeld obedience to the Parliament of the Common-wealth of England exercised in Scotland, shall not only be freed and discharged from all forfeitures and confiscations of their Estates, for any thing formerly done by them, in reference to the wars, but be received into the protection of the Parliament, and enjoy such liberties and immunities, as also such leases and grants of confiscated and forfeited lands, as upon consideration of their respective qualities and deserts shalbe thought fit, &c.*

In the first branch of this *declaration* such a Conscience-security is held forth as (according to my soul) ought not by the Laws of *Christ* be denyed to any peaceable Christian, and I extremely rejoyce in the spirit of our Governours, for so noble and charitable a proceeding, yet I plainly see, that they to whom this favour is allowed, are both different from us in the Principles of their Religion, and opposite to us in their Nationall affection; whereas a far lesser mercy is denied to our own kindred and allyes, to our own Country-men, born to the same freedom with our selves, who have in a much lesse measure offended in matters of hostility, nay divers of them not at all, who yet would be content, and thankfull for a small part of that favour which the *Parliament* so bountifully bestowes upon strangers.

By the second Branch very many of that Nation, who have bin in actuall armes against us, and perhaps wounded or slain our friends in open battells, will receive an immunity (for 500l. Sterling is a great estate in Scotland;) Whereas many of our own Country, who never lifted up hand against us, have two parts of their estates with rigor sequestred, and that without so charitable a distinction, as to free the poorer sort, whose estates are of lesse value then 500l. For our mercileſſe *Sequestrators* have tripartited even the day-laborers goods and very house-holdstuff, and taken away two Cowes, where the whole stock was but three.

Passages

Paſſages obſerved upon Caſes depending at Haberdaſhers Hall.

I Muſt confeſſe I had not ſo much time to ſpare as I could have wiſh'd, yet for ſome weekes I attended at *Haberdaſhers Hall* for better ſatisfaction: but to make a full diſcovery of all the proceedings there, is beyond the levell of my diſcourſe: I will only promiſe in what I ſay, not to exceed the bounds of truth and modeſty. The preſent Commiſſioners, who are ſeven in number, for ought I could diſcern are civill perſons, and moſt of them apprehenſive of others ſufferings, but ſeem to ſay in many hard caſes, that either their Inſtructions or Commiſſion binds them up from being able to give releef, or the obligation to the oath they take will not permit them. They were impowered 25. *Jan.* 1649, and ſince that time their ſelves and their ſubcommiſſioners in the ſeverall Countyes have made many new diſcoveries both of delinquents and Papiſts eſtates, either not before ſequeſtred, or not compounded for at the full value, but I obſerved that they who were ſequeſtred or had their rents or goods unduely taken from them, in the time of the former Comittees for Sequeſtrations, how unjuſtly ſoever, could not be releeved by theſe Commiſſioners nor any other power but by the Parliament it ſelf.

It was the Caſe of Mr. *Robert Knightley* a Recuſant only, a great part of whoſe Manſion houſe in *Eſſex* was puld down to repair the fort at *Tilbury*, for which he petitioned at *Haberdaſhers Hall* in *Decem.* 1651, to have ſatisfaction out of the 2 ſequeſtred parts of his own lands there. But in regard it appeared to be done before *Jan.* 1649, the preſent Commiſſioners anſwer was, *they had no power to releeve him.*

And in all other Caſes upon Appeales, where it appeares, that rents have bin unduely received to the States uſe for 7 or 8 years laſt paſt, in wrong to the true owner of the lands; Theſe Commiſſioners in ſuch caſe make reſtitution onely from *Jan.* 1649; And for money, goods, or perſonall eſtate unduely ſeized or ſequeſtred before that time, they make no reſtitution at all.

This ſeemed ſtrange to me; for by the ſame rule, if the preſent Commiſſioners ſhould ſequeſter half the lands and goods in England right or wrong, and then be diſplaced and new Commiſſioners eſtabliſhd who have no power to review and conſider the acts of their predeceſſors, in time we may all come to be ſequeſtred, and yet be without appeal, except to the Parliament, who have too many publique obligations to ſpend their thoughts in particular buſineſſes.

On the 11th of *Feb.* 1651, there was heard the caſe of one Mr. *Parker*, the Lord *Morleys* only ſon, about 14 years of age, he petitioned for maintenance out of his fathers ſequeſtred eſtate, but becauſe it was ſuſpected the child might encline to his fathers Religion, who is a Papiſt, it was denyed him, unles he might be taken from both Father and Mother, and commited to the government of a meer ſtranger, which was ordered accordingly, and the poor pittance of 100l. per an. only allowed him, out of his own and fathers eſtate.

In *Feb.* 1651, Mr. *James Hanham* of the West petitions the Commissioners at *Haberdashers hall* to this effect, That he had never acted any thing against the Parliament, yet two parts of his estate were sequestred with such rigour for his Recusancy, that he could not possibly subsist with necessaries by the remaining thirds, when taxes and other charges were deducted: That he was therefore constrained to borrow 50l. upon Bond, & having disbursed 15l. of the money, it seemes the *Sequestrators* got notice that the Petitioner had somewhat in his house worth a new sequestration or review, as they call it, thereupon they search his trunkes, find the remaining 35l. pull out the guilty bag, and two parts of it they sequester into their own pockets, to the use of the Commonwealth, and for releef therein Mr. *Hanham* appealed, but found no redress at present, more than an Order for the sub-Commissioners in the Country to examine the busines and certify, &c. At the return of whose Certificate, I leave the Petitioner to expect his doom.

On the 31 of *March* 1652, the Petition of one *Hamond* or *Ammot* was read, to this effect, That the Petitioner never did bear Armes nor Assist the Enemies of the Parliament, yet his estate had lyen under sequestration ever since the year 1645, and not one penny allowed him for his maintenance. That the Petitioner, being a Recusant, did in the time of the late war continue at his own house, as long as he could without apparent danger of his life, but considering how obnoxious even the most peaceable of his religion were to be affronted and ruined, by the dayly mischiefs they received from some disorderly souldiers, and especially seeing one of his neighbours (a Recusant) slain at his own door, the Petitioner did then, and not before, fly for protection to a garrison of the late Kings, without acting any thing in the least kind against the Parliament. And therefore humbly prayed he might have a fifth of his estate and the arreares allowed him to buy bread. But it not appearing to the Commissioners that he had wife or Children, their answear was, *they had not power to grant him any releef.*

Nor do I beleeve this mans case to be singular; For I am well satisfied, that a great part of those Papists, who are sequestred as absolute delinquents, were never in actuall armes against the Parliament, but onely fled to the enemies Garrisons for shelter, yet no qualification or difference in punishment is hitherto allowed them, which would bee to my understanding very just and reasonable; Since whoever did observe the fury and rage of most of our common souldiers (at the beginning of the late troubles) against many of that party, will easily conclude the Papists had reason to distruct their own personall security amongst them. And for instance, I remember an officer of my acquaintance under the Earl of *Manchester* told mee, that at their taking of *Lincoln* from the *Cavaleers*, in the year 1644, he was an eye witnesse of this Tragedy. The next day after the Town was taken, some of our comon souldiers in cold bloud (meeting with Mr. *Price* of *Washingley* in *Huntington* shire, a Papist) asked him, *Art thou* Price *the Papist? I am* (said he) Price *the Roman Catholick*, whereupon one of them immediately shot him dead.

In the same moneth of *March* there happened at this Hall a very hard case, which was of a maid servant (whose name I doe not remember) but her Petition was to this effect. That her Father and Mother both dyed, when she was but 16 years of age, and being very poor, they left the Petitioner only some

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old clothes and a litle houſehold-ſtuff, in all not worth above 5. or 6. poundes, after whoſe death the Petitioner, being an Orphan, betook herſelf to ſervice, and having ſerved 17 years, for the annuall wages of 7 nobles, the Petitioner had by her frugality increaſed her ſmall patrimony to 20 pounds, which being plac'd in the hands of *A.B*, & of late diſcovered to be the Petitioners money, and the Petitioner a Recuſant, ſhe humbly pray'd that they would pleaſe to take the ſad and diſconſolate condition of a poor Orphan into their charitable conſideration, whereby the extremity of the Law might be qualified to ſo mercifull a temper, that ſhe might not be utterly ruind, by loſing in a moment for her Conſcience, what ſhe had been ſo long in gathering by the ſweat of her browes. But the Commiſſioners (though perhaps other wiſe willing) concluded they had not power to give her any releef, more than the bare thirds, unles ſhe would take the Oath of *Abjuration*, a thing as far at leaſt above her underſtanding, as it can be againſt her Conſcience.

If it be unreaſonable (as many welaffected ſeem to urge) that the Miniſters (who doe or at leaſt ſhould perform ſome ſpirituall offices for the good of the Soul) ſhould tyth a tenth part of the husband-mans labour: How much more unreaſonable is it, that a poor ſilly maid-ſervant ſhould thus, meerly upon the account of Conſcience, be ſequeſtred of two thirds of that, which by many years labour, ſhe had gained and reſerved, as a ſupport againſt the neceſſities of old age.

On the 16th of *April* 1652. The Caſe of Miſtris *Church* of *Eſſex*, a Recuſant, was heard, whoſe Petition ſpake to this effect; That her late husband in his life time ſetled a leaſe of *Muck-hall* (or ſuch like name) in *Eſſex* of conſiderble value upon her in lieu of joincture, for divers years yet in being, and was held of the late Dean and Chapter of Pauls, That *Alderman Andrews* or Mr. *Nathaniell* his ſon had bought the reverſion of thoſe lands at *Gurney houſe*, & had ſince taken a leaſe for 7 years of the Commiſſioners for ſequeſtration in *Eſſex* of the whole preſent poſſeſſion, without the Petitioners conſent or knowledge, and without any regard to her thirds; And that the ſaid Mr. *Andrewes* having now poſſeſſion of the whole eſtate, had demoliſh'd the Petitioners Manſion houſe, and did refuſe to pay the Petitioner her thirds, whereby ſhe was driven to a neceſſity of wanting bread, being a diſtreſſed and friendleſſe widdow of almoſt 80 years of Age, ſhe therefore prayd her thirds and the arreares, and that the ſaid leaſe might be annulled, &c.

The firſt was charitably granted, but as to the Leaſe, and what her thirds ſhould be, ſhe was left to the mercy of Mr. *Andrews*, who I fear does forget what the Father of mercyes ſayes in *Ieremy* 22.3. *Execute judgement and righteouſneſſe, and deliver the ſpoiled out of the hands of the oppreſſour, and doe no wrong, doe no violence to the ſtranger, and fatherleſſe, and widdow, &c.* And in *Math.* 23.14. *Wo unto you Scribes and Phariſes, Hypocrites, For ye devour widdowes houſes, and for a pretence make long prayer; Therefore yee ſhall receive the greater damnation.*

That which in this caſe did moſt exact my obſervation, was, That Mr. *Andrews* (a perſon of quality) ſhould make uſe of his power againſt a poor widdow, and ſhould be preſent, and openly avow the taking of her eſtate over her head; with ſo little regard to the thirds, which is allowed her by the Act of Parl. and ſo much to his own benefit, without which, tis like

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he would not have taken it, and with which the Petitioner must needs suffer.

From *Haberdashers hall* give mee leave to make a step into *More fields*, where on the 19 of *May* 1650 being the Lords day, *Rich*: *Ledsam* and one *Ledbeater*, two Pursuivants, apprehended *Robert Segar*, a poor old decrepit man, upon a suspition (and twas but a suspition) that he had been at the *Spanish Embassadors* at *Mass*; upon this bare surmise the poor man was searched, and in his pockets they found an old Prayer Book, whereupon he was carryed before a Justice of peace, and committed to the *Gatehouse* at *Westminster*, where he lay in the Common Goale, till the Quarter Sessions in *Jan.* 1651, being full 20 monethes, without any charge or proceedings against him, and at that Sessions was acquitted by Proclamation, through the mercy of *Justice Scobell*, but hee is still deteyned Prisoner (this being now *April* 1652) by Mr. *weeks* the keeper of the Prison for the rent of his lodging, for which the said keeper demands 14 pence a week, besides fees, and yet (as I am credibly inform'd) the old man lay on the boards in the Common Goal, and had no other pillow for his head, but a hard Ston, for which he must now pay more than hee is worth, or continue till he perish in prison, being above 86 years of age.

And now I am at the *Gatehouse* I shall give you the supplement of a like sad story, mentioned in the 21 page of the first part of this *Moderator*, concerning a great bellyed gentle-woman, committed to prison on the 24 of *June*. 1651, her name upon enquiry I find was *Delevall*, an English woman, but her husband a Frenchman; she was committed also to the *Gatehouse*, and with much importunity got leave by Petition to goe out upon bail, till she was brought to bed, but was an actuall Prisoner full 7 monthes of the 12; which is prescribed by the *Statute*, and the fyne of 100 markes stood charg'd upon her, till the *Act of Oblivion*. And all this upon a bare supposition, that she had been at the then *French Agents* in *Long Acre* at Mass, without so much as one witnesse that there was any Masse said there at all, it being the truth of the case (if I may believe their most serious Protestations) that they were only at their other private devotions.

But to return to *Haberdashers hall*. I perceived in my observations there, that besides the cases before recited, it was a familiar thing to see Papists (I mean single Papists, without the adiunct of delinquency) outed of the possession of the two sequestred thirds of their estates, by any stranger, that would offer in the box but 12 pence more than the owner; which hath made divers owners strain themselves to give more rent to the State, than they could possibly make of the two parts, rather than bee outed of the possession of their Antient patrimonies; And some of them have assured mee, that it happens very often, that neighbours, either thorow covetousnes or revenge (for who can live so innocently as to procure no Enemy, at least so happily as to have none,) set themselves to outvy the owners, and then recompence the losse they have in the great rent they pay, by misusing the lands they hire in despite of the owner. Besides many times when the proprietours have with much charge & long attendance obtained leases of the two parts for 7 years in the Country in pursuance of the Act of Parliament, after improvement of their estates by good husbandry, they are again outed, and their leases made void at this Hall, under pretence of the want of some formality of *Surveying*, *polling*, *boxing* or the like, which it seemes the *Instructions* from these Commissioners doe hold forth to

those

those below, yet those *Instructions* are not made publique, whereby the parties interessed might be advised how to proceed regularly and certainly in a businesse, that so much concernes their subsistence.

Nor are the Recusants permitted to sell any of their Lands; by Fining for the two parts, though for payment of their just Debts, nay though they should be willing to transport themselves beyond the Seas; By which disablement to sell or Morgage the least pile of grasse they possesse, many well-affected suffer much prejudice, by non-payment of their true & ancient debts, but divers of the Papists are thereby driven to such extream necessities, that they have expos'd their bare Thirds to sale; though I perceive few Purchasers will meddle therewith, unlesse upon very disadvantagious termes to the Seller, because the Purchasers say, they are sure to contract a charge and trouble to themselves by their attendance at this Hall: For in such case, if the Papist can gain the favour to have his Thirds partitioned from the other two; yet (as I heard it argued) the State might, when he had sold such divided part, or by good husbandry improv'd it, evict it from him, and assign him another Thirds of the same Lands, that perhaps has been wasted by ill Tenants; For I found this also much complained of among the Petitioners, that the Sequestrators or such Strangers to whom the Two parts are often demised, rarely or never bestow any Money on repairs of the two Thirds, but take the Rents, as long as the Houses or Lands will yeild any; which is one reason, why such Customers many times out-bid the owners for the renting those two Thirds; the owners being alwaies careful to keep up the Houses, and direct their Husbandry to the best advantage and emberterment of the Lands.

Others I observed to complaine much of the long attendance, and great charge they were at in gaining their Thirds, & an allowance of their Mantion-Houses, and of the many malicious and false accusations that Informers were permitted to bring in against them: As (if I mistake not) I over-heard some of the Solicitors say, that the Lady *Saint Johns*, or her Husband Mr. *Arundell*, had been accused for Delinquency five or six severall times, and still cleared it. Witnesses have beene often suborned to false accusations, and yet when the party injured (after long attendance and expence) has cleered himselfe of the Calumny, and consequently proved the malice of the Informer, no reparation would be allowed for so dangerous a slander; Insomuch that upon the whole matter I have heard a Recusant (with tears in his Eyes) professe seriously, that so much attendance and charge was required in getting their Thirds, and such continuall fears and vexations attended their condition, that if he could by manufacture or any other honest calling get a livelyhood, he should easily resolve to let his Third part goe after the other two.

The Commissioners themselves (sitting in a treble capacity; First for *Compounding with Delinquents*, Secondly, for *Advance of Money* upon the fifth and twentyeth parts, and Thirdly, *for Sequestrations*) can onely spare Wednesday Mornings, for hearing Petitions upon Sequestrations, and commonly there is not a Committee (which must be at least four of the seven Commissioners) till after ten of the clock, by which means they can scarce afford two hours in a Week for the dispatch of that employment. So that whensoever a Suitour delivers in his Petition, it is usually a full Moneth, if not six Weeks before it

comes to be heard in course, and a great part of this time he must attend, and perhaps retaine Councell severall dayes before his businesse will be heard.

These complaints (for ought I could possibly be informed) are not onely true, but far short of what this sort of people suffers; which so much the more afflicts my Soule, by how much I consider the sufferers to be Christians and Natives of *England*.

I omit to speake of the *sub-Commissioners* for Sequestrations in the severall Counties of this Common-wealth, as having hitherto had little meanes to informe my selfe of their severall proceedings, and considering them obliged to pursue the *Instructions* they receive from those above; onely this I can say of some of them, whom I have conversed with, that they seeme to grant, that Sequestration of Papists Estates, upon the sole account of Religion, is not in their opinion warranted by Gods word, but rather the contrary; And yet these men continue their employments, which I feare will expose them to the censure of worldly minded and avaritious selfe-seekers: And I pray God that whilst they charge others with Idolatry, they be not found guilty of it themselves, since the Scripture sayes expressly, *that a Covetous man is an Idolater.*

Ephes. 5. 5.

But it being apparant that the *Oath of Abjuration* is the wrack which torments so many Consciences, I did therefore in the former part of this Discourse propound some *Quæries* upon that Oath, and shall now humbly add, (as not improper for this subject) what the before mentioned Sir *Alexander Irving* lately said, in answer to Master *Iohn Rue*, Moderatour of the Presbytery of *Aberdeen*, concerning constraint of conscience and enforcing Oathes: his very words are these. *I doe acknowledge that which you say concerning Oathes, that God is honoured by them, yet that must receive some limitations, or else it would prove very false, they must be taken in Iudgement, in truth and upon necessity: Now I appeale to your owne Consciences, whether ye have observed these Conditions in your urging so many dreadfull Oathes upon this miserable Nation these yeares by-past, not only in the Covenant, but in your solemn League with your Presbyterian brethren of* England, *whereby ye enforced all men to swear to establish by Armes, that Tyranny there, as ye had done here: how many have ye enforced (by threatning and Execution of your Kirk censure and the severity of the Civill Law, following upon them, depriving men of their Estates) to swear and subscribe to all ye injoyned or could invent, albeit ye knew them to be of far contrary Iudgements, wherein ye did imitate that feigned and false Mother, who before* Solomon *was contented to have the Child divided, whereby her Hypocrisie was found out by that brave Prince: By which meanes yee have made this Nation guilty of perjury, besides many other heynous sinnes: I wish to God you had remembred or would yet remember, how much you cryed out against the Tyranny of Bishops, (when they were urging some of your number, who were refractory to Episcopacy) that there should be had some regard to tender Consciences, which were of another Iudgement: But so soon as ye had got the power into your hands, neither Minister nor Laird, Man, Woman or Child, was spared, nor any regard had unto them, whatsoever quality or condition they were of, all were forced not onely to obey you, but (which is the greatest tyranny over mens Consciences) they were made to swear, that they thought, as ye would have them, albeit to your owne knowledge*

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many thought the contrary, &c. The whole Answer, which beares date, 20. *Ian.* 1651. is worth the reading, and is Printed in the *Diurnall, Numb.* 118. I pray God a great part of the same arguments may not be turned against us, for enforcing this Oath of *Abjuration* so positively against mens Consciences.

And since we all say, that we abhorre to violence and force any ones Conscience farther then to secure the publick peace, and that onely as necessity shall really appeare, and not upon any Voluntary or Counterfeit pretence, I cannot see how the taking of this Oath availes to make a man, either a better Neighbour or a better Subject, and should be glad to know, whether the Parliament will trust honest Sir *Richard Minshew*, Dr. *John Frier*, &c. any more now, then before they tooke that Oath, and became outward Conformists: Since tis but too probable, they doe it not upon any Conviction of Conscience, but rather against Conscience, meerely to save their Estates from Sequestration; And if so, none can deny, but that it is the highest degree of perjury, and a spirituall Murther of the Soule; Then let us sadly consider, how disadvantagious to the worke of the Lord, and scandalous to the eyes of men it will be, for us to fill up our Congregations with such unsanctified Members: The ingenious Author of *Mercurius Politicus*, (*Numb.* 99. *page* 1554.) hath an admirable Discourse upon this Subject *If we seriously reflect* (sayes he) *upon the designe of God in bringing Christ into the world, we shall find it was to set an end to that pompous administration of the Iewish form; that as his Church & people were formerly confined within the Narrow Pale of a particular Nation, so now the Pale should be broken downe, and all Nations taken into the Church.* Not all Nations *in a lump*: *nor any* whole Nations, *or* Nationall Bodies *to be formed into Churches*: *For his Church or people now under the Gospell, are not to be a body* Politicall, *but* Spirituall *and* Mysticall: *not a promiscuous confusion of persons taken in at adventure, but an orderly collection, a picking and choosing of such as are* called and Sanctified, *&c. Not a company of men forced in by commands and constitutions of worldly power and prudence, but of such as are brought in by the power and efficacy of Christs Word and Spirit. For he himselfe hath said,* My Kingdome is not from hence; My Kingdome is not of this World, *&c. And therefore that hand, which hath hitherto presumed in most Nations, to erect a power called* Ecclesiasticke, *in equipage to the* Civill, *to bear sway, and bind mens Consciences to certain Notions ordained for Orthodoxe upon civill penalties, under colour of prudence, good order, discipline, preventing of heresie, and advancing of Christs Kingdome; and to this end hath twisted the* spirituall power (*as they call it*) *with the worldly and secular* Interest of State; *this* (I say) *hath been the very* right hand of Antichrist, *opposing Christ in his way, whose Kingdome, being not of this world, depends not upon the helps, and devises of worldly wisdome.* Thus that excellent Pen. And a quicksighted and judicious member of Parliament, in my hearing, being made acquainted (as with a supposed grateful newes) that some such indifferent Christians, as Sir *Richard* and the *Doctour*, had taken the Oath of Abjuration and conformed, said; *Truly our purchase therein is very little, and the Papists losse, much lesse.*

And it may be worth the observation, whether these persons do amend their lives or grow worse after such change: I am sure I have heard some discreet and precious people say, they would much lesse trust them now, then

when they were constant to their professions; Upon a belief, that those who will not (according to the inward dictates of their Conscience) keep faith with God, will much lesse doe it with men.

In confirmation of this assertion, I may here cite the case of Mr. *Anthony Roome*, who was executed at *Usk* in *Monmouth* sheire on the 4th. of *April* 1650, for poisoning his Wife; This Gent. the very houre before his execution, made a publique confession to this purpose; That he had been bred a Roman Catholique from his infancy, and continued in that Religion till some two or three yeares before his death, when, being overcome by an unhappy necessity of preserving his family from beggery, he forsook the Belief of his owne Soule, and went to Church to save his Estate; after which, the (Devil taking advantage upon him in this disturbance and anxiety of Spirit) he confessed that he had falne into many great Sinnes, but denied the guilt of that horrid cryme of poisoning his wife, for which he was condemned to dye; delivering further with a kind of confidence, that if he had had the grace to have continued constant in his Religion, he believed he had never so highly transgressed the Commandements of his God, nor come to so unhappy an end. And openly declared (with much seeming repentance) that he dyed in his old Religion.

And it is a generall observation among the Papists themselves, that many of them, who strain their Consciences to such complyance, doe come to unhappy ends; as I confesse we have lately had an unhappy instance, in the unfortunate death of Mr. *Henry Compton*.

Slaine in a Duell by the Lord Shandois, 11. May 1652.

Certainly this is a sad consequence of wresting the inward perswasion of poore Soules from that Belief, which their own Conscience tells them is truth, thereby making them lesse carefull of their owne salvation, and their honesty and credit of lesse reputation, even with those, who force them to this change. For the heart of man is so fraile and deceit full, that it seldom is drawne by violence from those principles, which it has long been used to esteem and practise, but becomes slack and negligent in what concernes the other World, and by degrees growes very often wholly insensible of any thing, but sensuality.

Upon the newes not long since, of some Papists taking the Oath of *Abjuration* and frequenting the publique places of meeting, I conceived my selfe sufficiently furnisht to answer a certaine old saying, which a Recusant of my acquaintance used often to repeat in my hearing, that *SANGUIS MARTYRUM EST SEMEN ECCLESIÆ*: This upon all occasions he applyed to the sufferings of Papists, both here in *England* and ten thousand miles off in *Japan*, in which two Islands have of late been sharper persecutions, (said he) for matter of Religion, then in any other place of the World. This he continually insisted upon, as a Soveraigne remedy for all his sorrowes, nor could we ever beat him from this last hold, wherein he fortified himself, *SANGUIS MARTYRUM*, &c. nay more, hee sometimes ventured to affirm with strange assurance, this assertion, that his Church encreased and prospered still, even whilst it was actually under the greatest pressures, that his Church was, as the Palme tree, the heavier weights are laid on, the more it flourisheth. I having gotten this advantage by the late coming in of some Papists to our Religion,

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went presently on purpose to my Recusant to put him to the question, and as it were a little triumphing, demanded what hee thought now of his old Latin Proverb (in which he had formerly seemed to place so much confidence) and whither the Palme tree did not sometimes break a twigg by laying on so many weights; To which he replyed with a little suddennesse and Choller, That some dead or Canker-eaten Branches, as they can beare no weight, so they can bear no fruit, even whilst united to the Stock and much lesse after their division: But soone recovering himselfe to his usuall temper, he calmly, yet earnestly undertooke, that as there have been at least twenty Preists put to death in *England* since the beginning of this Parliament meerly upon the account of their Religion or function, so he could name a far greater number of persons of quality, who have in the same space of time reconciled themselves to the Catholique Union. When I urged him to the proofe of this assertion, he imediately delivered me a list of twenty Preists, who during these late revolutions have been hang'd, drawne and quartered either for taking orders beyond Seas or exercising them on this side the Seas, and with all promised (upon the allowance of a little time for recollection) to furnish me with a Roll of some names, who have lately declared themselves Catholiques, undertaking, if he was deceived in any name, to recompence such Errour, with the interest of two for one, unlesse he might be dispensed with upon the inconveniency of discovering those, who can no longer live unruined for their Religion, then they are unknown to professe it.

The Preists executed in severall places since the year 1641. were these.

Mr. *William Ward.*	Mr. *Francis Bell.*	Executed at *Tyburne.*
Mr. *Raynolds.*	Mr. *Duckes.*	
Mr. *Roe.*	Mr. *Corbet.*	
Mr. *Edward Morgan.*	Mr *Morse.*	
Mr. *Bullaker.*	Mr. *Phillip Powell.*	
Mr. *Holland.*	Mr. *Peter Wright.*	
Mr. *Heath.*	Mr. *Southwood* in 1654	

Mr. *Lockwood.* } Executed at *York.*
Mr. *Caterick.* }

Mr. *Green*, Executed at *Dorchester.*

Mr. *Barlow.* }
Mr. *Reading.* } Executed at *Lancaster.*
Mr. *Whitaker.* }
Mr. *Thompson.* }

Besides Master *Thomas Vaughan* (after very hard usage aboard Captaine *Moltons* Ship) soone after dyed at *Cardiffe* in South-*Wales.*

Mr. *John Goodman.*
Mr. *Henry Myners.*
Mr. *Peter Wilsford.*
Mr. *John Hamond.*
Mr. *Colman.*
Mr. *Rivers*, &c.
} Dyed Prisoners in the Common-Gaole at *Newgate* since the yeare, 1641.

Besides divers who are now continued in prison.

Now I hubmly thank the Lord Christ, there was only one of these Priests (whom I mentioned in the first part of this Discourse) put to death, since this Nation was established in the present Government, and I wish from my Soul, that his life had also been spared; since my obligations to this Common-wealth and the present Governours thereof are such, that I am bound every day to offer up my sighs and prayers to the Lord, that no bloud of any peaceable Christian be spilt for the onely difference of judgement in Religion: For certainly whosoever shall practice such cruelty, will be called to a strict and rigorous account at *the judgement of the great Day.*

Jude 6.

But proceeding to require of my Recusant the performance of his word concerning the late *Converts* he so much gloryed in, I merrily threatned him, that if he observed not his promise, I would presently not onely suspect some secret evasion in him, but cry out against all Papists as jugglers and equivocaters, or else, I being an Heretique, no Faith was to be kept with me, and though the present matter be of a triviall Consequence, yet we know the *Wilonen* stole Rushes to keepe his hand in ure.

He first seriously redeemed his word by delivering me this following *Catalogue*, and then merrily answered my jeasting, with wonder at my hardinesse, how I durst stay in *London*, since the last letters from *Amsterdam* discover so dangerous a plot intended by the *Papists* and *Cavaliers* against this Towne, they have these many Months held a secret intelligence with all the Engineers and Mill-makers of *Holland*, and hired them forthwith to prepare a thousand such Engins as we use to quench scare-fires, and these *Van-Trump* (who has been a long time Popishly affected and a rank Cavalier ever since he was Knighted) undertakes to bring up so privately to the very Bridge, that in one night they may be planted all along the Rivers, and shall drive even *Pauls* it selfe, by squirting all the water in the *Thames* upon the City. Now if you aske a Papist whether he know of any such conspiracy, he will presently cast about in his thoughts to retrive some mentall reservation, and then downe-right deny that ever he heard any such thing. But to returne from this feigned Story of the Recusant to the reall History of his new *Proselites*, amongst whom he reckon'd these following: But pretended prudentiall reasons to excuse his concealment of many others.

1. The Countesse of *Denby.*
2. The Lady *Kelimeckin,*
3. The Lord *Cottington,*
4. *Thomas Vane*, Doctor of Divinity,

5. *Hugh*

5. *Hugh Paulin De Cresy*, one of the late prebends of *Wyndsor*.
6. Sir *Marmaduke Langdale*.
7. Sir *Francis Doddington*.
8. Sir *Theophilus Gilby*
9. Mistris *Bridget Feilding*.
10. Doctor *Baily*.
11. Doctor *Cosens* onely Sonne.
12. Dr. *Goff*, entred into the Religious order of the *Oratorians* at *Paris*.
13. Master *Peter Glue* of *Balliol* Colledge in *Oxford*.
14. Mr. *Richard Nicolls* Batchelor of Divinity of *Peter*-house *Cambridge*.
15. Master *Richard Crashaw*, Master of Arts of Peter-house *Cambridge*, well knowne for his excellent Poems.
16. Master *William Rowlands* of *Exeter* Colledge, in *Oxford*.
17. Captaine *Thomas Cooke*.
18. Master *Edward Barker* of *Cains* Colledge, *Cambridge*.
19. Master *Temple*.
20. Master *Osborne*, &c.

I must ingenuously confesse, I knew not well what answer to make the Papist in this point, but still to expresse my dislike of such persecution even of any sort of Christians: And am very confident, that were they treated more mercifully and invited to come to our spirituall conferences, (which my Recusant told me he would not at any time refuse, were it onely to discourse in an amicable Christian way the points in difference betweene us) we should gaine more of them to us, or at least hinder the growth of their Religion more, then any tortures of body, or Sequestration of their Estates are like to doe.

Nor is it reasonable to exact of such as dissent from us any other kinde of presence at our Exercises, then to propose their difficulties in a modest and peaceable way, and patiently to heare our Answers, without expecting they should presently joine with the Congregation; for that were to oblige them, to professe before they are satisfied, and practice, before they know what it is they doe; Whereas the Scripture commands us first *to try all things, and then hold fast that which is best*.

Some, who have not onely the forme but the power of Godlinesse in this Nation, have of late (in order to the advancement of Christs Kingdome) been induced to move and endeavour a re-admittance of the *Iews* amongst us, in hope to be happy instruments in their conversion, which the Scripture holds forth in the 11. to the *Romans*. And why shall we not also (upon like grounds of Christian Charity), endeavour the conversion of all other people of different perswasions in point of Christianity, by *being mercifull* unto them, *as our Heavenly Father is mercifull*. *Luke* 6.36.

But nothing so afflicts my spirit, as to consider the cruell gripes we give the *Papists*, in respect of the light hand, which the *Turke* himselfe beares over his Christians; To which purpose I shall here humbly offer an exact Paralle! of the *Papists* suffering in *England*, to the Condition of the *Christians* in *Turky*. First clearing one easie objection, whereat some Godly people seem to scruple; They

thinke

thinke the Papists here suffer for some other fault, and not onely for difference of Judgement in Religion, which is an evident mistake. For if their burthens be not laid on for their different Judgement, why are they taken off, when they conforme in their judgement? why should their receiving the Oath of *Abjuration* deliver them from all penalties and Sequestrations, if those penalties and Sequestrations be not inflicted upon them meerly for holding some opinions, which that Oath obliges them to renounce. Others even of the best affected have often in my hearing affirmed, that certainly that Oath was only intended, as a means of discovery, for the Magistrate to know, in whom he may confide; But why then is it used so much beside their supposed intension? or what need of annexing any penalty, which surely is the greatest hinderance of discovery; For were there no danger in being a knowne refuser of that Oath, few would be so diligent in concealing themselves, lest they should be knowne to refuse it. Nor indeede is this Oath ever offered to any upon the single ground of diffidence in their affections to the present Government, but onely to such as are suspected of Popery.

But to returne to the Comparison I began to mention between the state of *Papists* in *England* and of *Christians* in the *Turks Dominions*, I find by the best information I can gather, the Great Turks manner of bearing himselfe to his Christian Subjects to be strangely more temperate and lesse accusable of cruelty or covetousnesse, than we Christians use to one another; for as our Travellers unanimously relate, the whole Annuall Fine that any Christian payes the *Grand Signior* upon the score of Religion, comes to no more than a *Zechine*, which is lesse than our *Angell*.

And yet what ever we can object against our *Papists*, the *Turk* may with at least as much reason charge upon his *Christians*; Some Ancestors of the Christians have heretofore taken up Arms, and conspired with Forraigners against the establisht Government of their Countrey; and yet the *Mahometan* (whom we so much abominate as tyrannicall and barbarous) can forgive the posterity of such undeserving Parents, and let them live quietly under so small an annuall tribute for their Religion. Whereas our selves (whom we so highly commend for Christian meeknesse and charity) can never forget the Crimes of a few Papists, never give over punishing the Children for the faults of their Fathers. The Christians under the Turk, cannot certainly be free from suspicion of being disaffected to their Magistrate, born upon former practices, and the Principles of their Religion; yet rests he satisfied with disarming them, and excluding them from all Offices of Trust, and Places of Importance, so the interest of Government. Whereas we are so far from contenting our selves with such prudentiall cautions for our security, that we proceed to seize upon the best part of their estates, which in a short time must of necessity reduce them to absolute ruine and desperation: And yet there is one considerable ground of suspicion altogether unapplyable to the Papists of *England*, which is, that the *Turk* came from a strange Country, to invade at once both the Empire and Religion of the *Grecians*; whereas the Papists are all Natives of this Land, borne with the same title to the Common liberties, that our selves have, and for Religion they onely stand peremptory in their old way, professing to be altogether unsatisfyed concerning the Reformation we hold forth unto them:

Nor

Nor doe the *Turks* insist upon that common objection, That *Christians* no where suffer *Turks*, and therefore no reason they should tollerate *Christians*, as nothing more of womanish spight and revenge, than manly nobleness and gallantry: How would these unhappy misled souls exceed us Christians in moderation towards such as are otherwise minded, if they had read that Golden Rule of our *Saviour*, that we should *render good for evill?*

But the inhumane practice of the *Turk* in taking away so many Children from the Christian Parents is extremely cruell and detestable, though as Sir *Henry Blount* (a person both compleatly learned, and perfectly civill,) observes in his *Voyage to the Levant*, when that custome was first introduced, many politick reasons might be alleged to excuse (not justify) so wicked and tyrannicall an institution, if he could have so much as excused his wicked and tyrannicall usurpation; The *Christians* being then very numerous, and by a barbarous stranger newly deprived of the Dominion of their Country; All which circumstances naturally increase and heighten the suspition of an Usurper, whose sight was certainly far less sharp than his sword, if he did not clearly see, that his new conquered subjects might perhaps for a time want an opportunity, but neither will, reason, nor strength to attempt, by his expulsion, the just recovery of their own liberties.

But since the affairs of Turky are so establish'd, that the *Mußelman* hath no longer any jealousy of the Christians, those unnaturall cruelties of p'undering the Parent of his Child, are altogether laid aside, and the *Christians* ye mitted to purchase with a small fine a dispensation, and every one now enjoys this comfortable liberty, as they give their Children birth, so to guide their education.

Not one of these considerations, but argues in favour of the present Papists amongst us; Not one of these exceptions are they obnoxious to, their number being small and inconsiderable, their posture naked and disarmed, and the door long since by other powers shut against them, to all advantages in the Nation: By which means they have neither so much disobligation to the present Government, nor any possibility to work the least disturbance of its peace.

And therefore, however upon the first *Reformation* it was necessary to take a sharp and resolute course for diminution of the Papists power, yet since they are reduced to so low and weak a condition, that we cannot handsomly even feign a danger from them, it is become now unnecessary, and consequently (by our own maximes) unlawfull to continue the same penalties upon them: No other cause being truly sufficient to justify our punishing others, but a true necessity of preserving our selves.

And these I conceive may be the reasons, why the *Papists* have of late made their addresses to the *Gentlemen*, that are appointed by Parliament *for regulation of the Laws*, building their hope upon this ground, that as the causes of so great severity against them are ceased, the sad and ruinous effects may no longer be continued; And certainly they could not have chosen a more proper way to obtain relief, than the applying of themselves to that *Committee*, it being compounded of persons, whose abilities bear an excellent proportion to the greatness of the work they have undertaken, having in one half year seen further into the defects of our Law, and the excesses of its practice, than many

Ages formerly have been *able* to discover, and whose integrity is so remarkable, that in the short space of a few moneths, they have design'd a perfect reform, of more Errors, than many Ages formerly have been *willing* to search into. So that as their Charity hath already provided a favourable course of mercy for the poor, their extreme industry and sincerity promises a speedy settlement of an equall and impartiall course of justice for all others. To this Committee the Recusants presented these two following *Papers*, the first of which began with this Title.

The Honourable Committee for Regulating the Lawes, is most humbly desired by the Catholike Recusants to take this Schedule of the Penall Lawes a gainst them, into their just serious and favourable consideration.

1 THE *second refusall of the Oath of* Supremacy *punisht as high Treason*. 5. Eliz. 1.

2 *To maintain or extoll Authority in the See of* Rome, *the second time, high Treason*. 5. Eliz. 1.

3 *To obtain or put in ure any* Bull *from* Rome, *high Treason*. 13 Eliz. 2.

4 *To perswade or reconcile, or to be reconciled to the* Roman Religion, *high Treason*. 23. Eliz. 1 & 3. Jac. 4.

5 *For Jesuit or Priest made by authority from the* Pope, *to come or remain in the Kings Dominions, high Treason*. 27. Eliz. 2.

6 *So for remaining in a Seminary six moneths after Proclamation, and afterward returning, high Treason*. 27. Eliz. 2.

1 *For concealing of a* Bull *or other Instrument from* Rome, *or Reconciliation offered, punisht as misprision of Treason*. 13. Eliz. 2.

2 *To maintain or conceal those who perswade or are reconciled to the Roman Religion, misprision of Treason*. 23. Eliz. 1.

1 *To receive, relieve, or comfort* Jesuit *or* Priest, *knowing him to be such a one, punisht as Felony*. 27, Eliz. 2.

2 *To refuse to abjure the Realm being commanded, or to return without Licence, Felony*. 35. Eliz. 1, 2.

3 *To goe and serve a Forraign Prince, having not before taken the Oath of Alegiance, and entred bond not to be reconciled to the Roman Religion, Felony*. 3. Jac. 4.

1 *The first refusall of the Oath of* Supremacy *is punisht as in case of a* Premunire, *which imports a forfeiture of all Lands and Goods, imprisonment for life, and a deprivement of the benefit of the Law*. 5. Eliz. 1.

2 *To set forth or defend power Spirituall in the See of Rome*, Premunire, 5. Eliz. 1

3 *To*

3 *To bring or receive any* Agnus Dei, Croſſes, Pictures, *or ſuch like from Rome*, Premunire. 13. Eliz. 2. 23. Eliz. 1.

4 *To aid any perſon who hath put in ure any* Bull *from the See of* Rome, Premunire. 13. Eliz. 2. 23. Eliz. 1.

5 *To ſend, or give relief to any continuing in Colledges, or Seminaries beyond Seas*, Premunire. 27. Eliz. 2.

6 *Refuſall of the Oath of* Alegeance *upon the ſecond tender*, Premunire. 3. Jac. 4. & 7. Jac. 6.

1 *For not diſcovering of* Prieſts *made beyond the Seas, impriſonment.* 27. Eliz. 2

2 *Upon indictment for Recuſancy by Proclamation, impriſonment.* 29. Eliz. 6.

3 *For refuſall to go to Church or to be preſent at the reading of the Common-Prayer impriſonment without bail.* 35. Eliz. 1.

4 *Thoſe that are not able, or fail to pay their forfeitures, are to be impriſoned, until payment or conformity.* 23. Eliz. 1.

5 *Woemen Covert impriſoned for refuſall of the Oath of* Alegeance. 3. Jac. 4

6 *For non-payment of twelve-pince for every Sunday, impriſonment.* 3. Jac. 4

7 *Woman Covert convicted for Recuſancy impriſoned till her husband pay ten pounds a moneth, or a third part of his Lands.* 7. Jac. 6.

8 *Standing excommunicated for Recuſancy, Houſe may be broken up for his apprehenſion.* 7. Jac. 6.

1 *Thoſe who ſhall forbear to come to Church, by the ſpace of twelve moneths, bound to the good behavicur, with ſurety in the Kings Bench.* 23. Eliz. 1

1 *Every Recuſant is confined to five miles compaſs for life.* 23. Eliz. 2.

2 *To ten miles diſtance from* London. 3. Jac. 5.

3 *Not to come into the houſe, where the King or his heir apparent is.* 3. Jac. 5.

1 *For abſence from Church-Service every Sunday twelve-pence forfeited.* 1. Eliz. 2.

2 *And for every Holiday, twelve-pence forfeited.* 3. Jac. 4.

3 *For abſence from Common-Prayer every moneth, twenty pounds forfeited.* 23. Eliz. 1. & 3. Jac. 4.

4 *For default of payment of twenty pounds a moneth, all Goods, two parts of Land, and Leaſes forfeited.* 29. Eliz. 6. & 3. Jac. 4.

5 *At the Kings election to take or refuſe twenty pounds a moneth, or to take two parts of the Recuſants Eſtate.* 3. Jac. 4.

6 *All Coppy-hold Lands of Recuſants forfeited.* 25. Eliz. 2.

7 *The forfeitures of the Anceſter charged upon his Heir being a Recuſant.* 1 Jac. 4.

8 *A conformed Recuſant forfeits for not receiving the Sacrament, according to the Service-book, the the firſt year twenty pounds, the ſecond year forty pounds, the third year, and every year after, fiyxt pounds.* 3. Jac. 4.

9 *To the Preſenter, out of the Recuſants Goods, forty ſhillings forfeited.* 3. Jac. 4

10 *For every Recuſant ſojournor and ſervant ten pounds for every moneth forfeited.* 3. Jac. 4.

11 *Two parts of Dower or Joynture of a married woman forfeited.* 3. Jac. 5

12 *For coming to Court, a hundred pounds forfeited.* 3. Jac. 5.

13 *For not Baptiſing of Children according to the Service-book publikly within a moneth after their birth, a hundred pounds forfeited.* 3. Jac. 5.

14 *For marrying otherwise than by a Minister, a hundred pounds forfeited.* 3. Jac. 5

15 *For burying out of the Church or Church-yard,* 100l. *forfeited* 3 Jac. 5.

16 *For sending Children beyond the Seas without Licenſe,* 100l. *forfeited.* 1. Jac. 4.

17 *For maintaining a Schoolmaſter. not going to Church or allowed to teach, for every month, ten pounds forfeited.* 23. Eliz. 1. & 29 Eliz. 6.

18 *And forty ſhillings* per diem *forfeited by the Schoolmaſter, and Recuſant that keeps him.* 1 Jac. 4.

19 *All Goods and Lands during life, for breach of confinement, forfeited.* 23. Eliz. 2 & 3. Jac. 5.

20 *The like forfeiture for going, or ſending Children beyond the Seas, to be bred in* Popery. 3. Car. 2.

21 *For reſiding within ten miles of* London, 100l. *forfeited.* 3. Jac. 5.

22 *For practiſing any Function expreſſed in the Statute of* 3. Jac. 5. *a hundred pounds forfeited.* 3. Jac. 5.

1 *Diſabled to reverſe indictment, for want of Form or other defect.* 3. Jac. 4.

2 *Diſabled from the Practice of ſeverall Functions whereby to gain their living, viz. from practiſing Common Law, Civill Law, or being a Steward, Attorney, Solicitor, or Officer in any Court; From practiſing Phyſick, or being an Apothecary; and from bearing any office in Camp, Troop, or Band of Souldiers, or in any Ship, Caſtle or Fortreſs.* &c. 3. Jac. 5.

3 *By the wiſes Recuſancie, the husband diſabled from publicke office or charge in the Common-wealth.* 3. Jac. 5.

4 *By marrying otherwiſe than as the Church of* England *alloweth, the husband diſabled to be Tenant by curteſy, the wife diſabled to have Dower, joynture, Free banks, or any part or portion of her husbands goods.* 3. Jac. 5.

5 *Diſabled to ſue or proſecute Actions, to preſent to a Benefice, to be Executor, Adminiſtrator, or Guardian.* 3. Jac. 5

6 *Children ſent beyond the Seas without Licence, are diſabled to take benefit of Gift, Conveyance, Deſcent, or Deviſe.* 1. Jac. 4. & 3. Jac. 5.

1 *Notwithſtanding theſe forfeitures, Recuſants are left ſubject to Eccleſiaſticall Sentences.* 23. Eliz. 1. & 3. Jac. 45.

By the greateſt part of pecuniary forfeitures, they are ſubject to greivous vexations of Informers. The Statutes of double Subſidies, conſidering their other payments, are exceeding heavy.

Beſides all theſe Lawes, the late Ordinances of Sequeſtration upon refuſall of the Oath of Abjuration, *by which, two third parts of all their Eſtates reall and perſonall are forfeited.* 1 Aprill 1643. & 19 Auguſt 1643.

An Oath made by the Presbyterians, *and intended only for the time of war. An Oath by which we are forced to accuſe and condemn our ſelves without any Legall proceedings or witnes againſt us. An Oath by which we are puniſht, not for publiſhing any Opinion to the diſturbance of others, but only for* believing; *which is to accuſe and condemn men for the Thoughts of their Hearts. An Oath that contains in it matters of higheſt difficultie, yet are young and ignorant perſons, and even women, without the leaſt preceding Inſtruction, equally forc'd to take it, or puniſhed for refuſing it.*

And in the Inſtructions to the Sequeſtrators 22 October 1643. *they are charged to*

ſeize

seize and secure the Estates of all such persons, whom they suspect to be within the reach of the Ordinance, *and so leave them to the after-Game of clearing themselves as well as they can; which is to punish before Tryall, nay even before Answer of the accused.*

In company of this long Roll of penall *Statutes* (made in former times upon particular occasions) they presented also certain Arguments to induce a mitigation of those *Lawes*, so frightfull even in number, but far more harsh and churlish in their Nature; upon the head of which second paper was this Inscription.

Some few *Motives*, why *Roman-Catholiques* should not be forced out of their Consciences by penalties imposed upon them meerly for Religion.

1 Principles of the present government.

ALL persecution for Religion is cleerly repugnant to the principles of freedome, so often and solemnly declared by the Parliament *and* Army, *and now unreversally received by all the Moderate and well-temper'd people of this Nation: Nor can it agree with the duty of any peaceable Spirit, to distrust the performance of so charitable a promise.*

2 Scripture.

Many and evident texts of Holy Scripture (even according to the interpretation of the more conscientious Protestants) expressly condemn all compulsion upon the conscience, recomending mildnesse and charity, as principall perfections to a Christian Magistrate.

Besides these, *Catholiques* have many considerations to be reflected on of a more particular advantage to their Condition.

1 Ancient and quiet possession;

THE Crime imputed to them is only their continuance in that Religion, which the whole Nation (till this last age) universally profest, ever since its conversion from Paganism; And though time precisely considered, make not a Religion true, yet certainly it may pretend to a fair title of exempting it from persecution.

2 Unchangeable;

The principles of their Religion are under all Governments the same, and in their nature absolutely uncapable of change; so that the Magistrate once rightly inform'd of their Doctrine, and satisfyed by promise of their fidelity, may rest secure, that no danger can arise from them by innovation.

3 Education.

Since the points in controversy are generally thought not cleer but difficult, especially by such in whom education (if it were no more) has fixt a strong apprehension of the reasonablenesse of their cause, it would appear severe (if not unreasonable) to force them by penalties to any new

way, or altogether restrain them from continuing in their old Perswasions of that kind, as by degrees they sink into the heart, so gently by degrees they are to be removed.

4 Satisfaction in their Religion.

Since they seriously and constantly profess, that after all their prayers to God, and diligent reading of his Word, they cannot find the least satisfaction in any other Religion, but that their souls enjoy a perfect peace and serenity in their own; it seemes very unsuitable to Christian charity, either to compell them to a Religion, where their Consciences cannot live in repose, or restrain them from a Religion, wherein only they find comfort here, and hope salvation hereafter.

5 Tender Consciences.

Since all the signes and Markes of tender Consciences are most apparently discernable in Roman Catholiques, *they cannot but hope, the charity and indulgence universally held forth to tender Consciences, will not universally be denied to them; they all suffer for their Consciences an impoverisht and afflicted life, and many of them a cruell and ignominious death; and can any rationall and unpassionate person see so much suffering for Conscience, and say the Sufferers have no Conscience?*

As for the Religion, it allowes no vice or licentiousnesse against the Morall Law (the proper subject of the Magistrates care) but strictly requires a Religious severity against the corrupt inclinations of nature, and a Conscientious observance both of the Law of God and man.

6 Even the most disaffected have Liberty.

Not one of all the Nation, how different soever in Religion, how disaffected soever to the quiet of this Common-wealth, but enjoyes (by its allowance and protection) a perfect quiet for his Conscience, only the Roman Catholiques, *though they have generally taken, and punctually kept the* Engagement, *are singled out to misery and ruine, meerly upon the account of Religion.*

Yet cannot all the heavy pressures they have so long endured make them lay down their hopes to be at last relieved, especially from those, who professe themselves not only bound by the light of Nature to deal with others, as they would be dealt with themselves, but by the Law of Grace, even to render good for evill.

7 Causes of punishing ceased.

The causes of imposing penalties upon Catholiques *being now wholly ceased, they humbly hope it cannot be thought too great a boldnesse in their duty to petition a readmittance to the Common rights of free-born English men; since there is neither any* Catholique *Competitor for the Crown, nor any such detestable conspiracy, as some few of their Religion have been formerly guilty of: So that there remaines no other charge, but that of Conscience, to exclude them from the full enjoyment of the priviledges of their Native Country.*

8 Their Fidelity.

No question can be made of the fidelity of their Engagement, who esteem the keeping of an Oath sacred: and what stronger testimony can be given to the World, han that of Catholiques *in freely offering up their Estates to seizure, & their persons to all the inconveniencies of a persecuted life, rather than against their Consciences dissemblingly to swear one Oath; for could they with the Popes dispensation, or their own mentall reservation (which they are charg'd to be still furnisht with for their own advantage) abjure the doctrin they believe, there remaines nothing now to distinguish them into that sad and miserable condition they are reduced to.*

Where

were all burdens taken off from the Consciences of such as shall engage to live peaceably and unoffensively in their Country, this Nation would rather improve its security at home, since correcency in matters of belief has always been the chief cause of our troubles: And for abroad, the same reason that begets a conceipt of danger from the Catholiques *correspondence with Forraign Princes, will convince a benefit, if by mercy they be obliged to employ their credit in the service of their Benefactors.*

9 Advantages at home and abroad.

Reasons why Composition is preferrable before *Sale*.

AND now wee beg pardon humbly to offer up to the consideration and compassion of the indifferent the most afflicted condition of many Catholiques, *whose lands are now designed to be sold for their Delinquency. Most of which in the beginning of the late War (seeing themselves unprotected by the Parliament, and expos'd to the plunder of the then souldiery) fled into the Kings Garrisons to save their own lives, without taking up Armes to offend others. And even they who actually engaged for the King (the sole disposall of all penall Laws being in his power) were owners both of their lives and fortunes meerly at his pleasure, and yet notwithstanding so great a Plea for their excuse, as the Supreme Law of self-preservation, they are all ready humbly to submit to Composition: A proceeding which they hope wilbe condiscended unto, since it is as well apparently more beneficiall to the State, as less destructive to the Compounders. for,*

Compounding more beneficiall to the State.

After all just claimes and true debts allowed, and the vast expences of Surveyours and other Officers deducted, the cleer profit that arises upon Sale, is, by experience, found to come far short of what was expected. And this after a tedious controversy about the allowance of incumbrances, very chargeable to the Suitors and altogether unprofitable to the Common-wealth.

Besides Catholiques *are generally Tenants only for life, and as generally subject (before the late troubles) to very many engagements really and unavoidably charged upon their estates, and unless such incumbrances be allowed, thousands of well affected people wilbe disappointed of their just debts.*

Whereas by seting Rules for Composition a greater summe may bee raised, and every one immediately bring his money into the publique Treasury, without any further charges, delay, or trouble, either to the Common-wealth or Compounders.

The Compounders will have a stronger Obligation to live quietly hereafter, both by the fine they part with, and the estate they retain, advancing so much to purchase their peace, and having still something to lose, if they break it.

The State will by this shew to all the world, that they seek only the security of the Government establisht, and not the ruin or utter extirpation of any private family.

These Motives and Reasons I have both seriously thought upon in my own spirit, and often conferred about with others, and after all my endeavours I find them so reasonable and satisfactory, that I confesse they have not only moved my Bowells to a compassion of such sufferers, but truly even to a zeal of their relief, so far I mean, as that they, who neither disturb the publick Peace of the Common-wealth, nor refuse their Contributions to maintain it, should no longer be compelled by Oathes and Sequestrations to act against their consciences.

Besides

Beſides theſe diligences of late uſed by the Papiſts, in order to the obtainment of relief from the *Committee for Regulation of the Lawes*; they prepared alſo certain *Propoſalls*, with intent (as I underſtand) to preſent them to the *Committee for Propagation of the Goſpell*, but being called into the Country by an urgent and importunate occaſion, I am diſabled to give any farther account concerning their *Propoſalls*, not knowing either how they were accepted, or indeed whether they were actually offered, and therfore can only furniſh you with a faithfull Copy of the Paper it ſelf.

To the Honourable the Committee for Propagation of the Goſpell,

The humble Propoſals of the Roman Catholicks.

1. *SInce all compulſion upon the Conſcience is clearly againſt the principles both of Parliament and Army, as appears by the Parliaments* Declaration *in anſwer to the Scotch Commiſſioners*, 17. Feb. 1648. *in theſe words*,

As for the truth and power of Religion, it being a thing intrinſecall between God and the Soul, and the matters of faith in the Goſpell ſuch as no naturall light can reach, we conceive there is no humane power of coercion thereunto, nor to reſtrain men from believing what God ſuffers their judgement to be perſwaded of.

Amongſt the Propoſals of the Army, 1 Aug. 1647. *this was one*, That all coercive power, and all civill penalties for non-conformity, be wholy repealed, and ſome other proviſion made againſt ſuch Papiſts as ſhould diſturb the publike peace:

And ſince by the experience of Germany, Poland, Switzerland, Holland, France, *&c. The Conſiſtency of divers Religions under one Government is evidently proved, aſwel where the Proteſtant commands the Roman Catholick, as where the Roman Catholick commands the Proteſtant.*

It is humbly offered.

That no penalty be impoſed upon any, profeſſing the Goſpell of Chriſt, *meerly for difference of judgement in matters of Religion.*

2. *The*

2. *The publike use of all Churches, and the entire benefit of Church endowments being wholy submitted to the disposure of the State.*

It is humbly offered.

That no person, believing in Christ Jesus, *and living peaceably, and unoffensively, be by any penalty restrained from the quiet exercise of his conscience in his private house; observing therein such rules as the State shall think fit to appoint for preservation of the publike peace: A practice which by long experience in* Holland *is found both satisfactory to the people, and secure to the Governours of the Common-wealth.*

3. *Since the Law of God is so far from allowing any penall sentence to be grounded upon the enforced Oath of the party, that it expresly forbids any offence whatsoever to be tryed by the single testimony of one witness,* Deut. 19.15. *Mat.* 18.16.

It is humbly proposed.

That no Oath be exacted of any person, compelling him under forfeiture of life, liberty, or estate, to swear against his Conscience, or to accuse and condemn himself, especially in matters that concern his inward belief.

4. *Since in all Religions there are still found some scandalous livers, and that our* Saviour *pronounces the* Woe *against him onely, by whom the scandall comes,* Mat. 18.7. Luke 17.1.

It is humbly proposed.

That whoever shall offend against the Orders of so mild and Christian a settlement, may be severely censured, but that others (though of the same judgement in Religion) be no farther made subject to the punishment, than proved guilty of the crime.

In stead of my opinion concerning these four propositions of the Papists (because to my sense they carry in themselves both their own evidence and justification) I shall beg the Readers permission to set down a particular conceit, which I have often observed to be very well relisht by all that have examined it. That doubtles there is no way more suitable to the first Principles of all Reformed Churches, no way so probable to satisfie all Consciences, as not to impose any other obligation for proof of conformity, than this profession *to believe the holy Scriptures of the old and new Testament to be the word of God, and to live according to the precepts plainly contained therein*; this acknowledge-

 ment

ment to be expreſt in generall termes without deſcending minutely to particular queſtions, which hath certainly been the chief cauſe of ſo many Controverſies and Diviſions in the World.

And now I humbly appeal to the honorable and religious *Committee for propagation of the Goſpell*, Whether the ſweet Spirit of the *Lord Chriſt* (who gave his Apoſtles no further power, than to relinquiſh ſuch as refuſed to hear them) be reconcilable to the former practices of the high Commiſſioners, or the preſent practices of our Sequeſtrators; Whether, when the great Apoſtle *Paul* preſcribes the *ſervants of the Lord to forbear, and in meekneſſe inſtruct thoſe that are contrary minded*, he ſhould be thus croſs-interpreted, that the Eſtates of thoſe who are contrary minded, be firſt ſecured or *forborn*, and then after a time quite taken away, *to inſtruct them in meekneſſe*, or how to bear patiently the loſſe of the vain and tranſitory riches of this world.

2 Tim. 4.24.

And now I humbly appeal to the honorable and learned *Committee for Regulation of the Law*, whether (ſince all thoſe penalties which the rigorous humours of former ages have, under pretence of zeal, impoſed upon the Conſcience, are either by diſuſe forgotten, or by expreſs Act of Parliament revoked) the Papiſts alone ſhould ſtill be continued under the ſame ſeverities, nay their burthens encreaſed by the ſtrange method of the new proceedings towards them, their Conſciences being now not only puniſhable in the Common way of indictment, but compellable even to accuſe themſelves by the new Presbyterian Oath of *Abjuration*, againſt the known Principles of the ancient and reverend Laws of this Land.

And now with an humble confidence, I appeal to the renowned Parliament of the Common-wealth of England, whether in this generall *Goal-delivery* of the Conſcience from the tyranny and oppreſſion of the Prelates, the conſciences of Papiſts alone, ought ſtill to be kept in priſon; Whether, when all the ſetters, which the Rigid Kirkeſmen had bought up in *Scotland*, are broken in pieces juſt as they were locking them faſt about our Conſciences in *England*, the Conſciences of Papiſts alone ought ſtill to be continued in chains? Whether, when all the Societies profeſſing *Chriſt Jeſus*, and living obediently to the Magiſtrate, and peaceably one with another, are protected in the quiet and unoffenſive exerciſe of their Conſciences, the Papiſts alone ſhould be forced under the penalty of ſo great a ruin, not only to profeſſe, but ſwear againſt their Conſciences? A courſe that in a ſhort time will unavoidably bring them either to abſolute beggery, or, which is worſe, to hypocriſie, or, which is worſt of all, to perjury.

All the people of this Nation look upon you as their common father, all promiſe themſelves liberty and protection under your government, (though ſome may juſtly be excluded from ſharing in the government). Were there in my family one child that profeſt to find ſatisfaction in the way of the Papiſts and lived dutifully to me and lovingly with his brethren, I ſhould account it a great unnaturalnes to deprive him altogether of his portion, much more of that which he has received from the bounty of any collaterall kinſman, or acquired by his own particular diligence and improvement; And though ſome Papiſts have heretofore been truly chargeable with heinous crimes againſt their Country, yet why ſhould our juſtice over-reach to condemn all, for the offences of a few? if they have formerly abetted competitors to the Crown, why

ſhould

should the punishments so long out-live the fault? certainly the Offendours being dead, their trespasses should rather be buried in their graves, and not like Ghosts walk to affright and pinch their children.

It is time we should now mix a little mercy to allay the fumes of so much justice, which otherwise will not ascend to the Almighty's Throne in the odour of sweetnesse.

It is time we should begin to imitate the pattern, which our mercifull God has set before us in his own practice, when he commanded the *destroying Angell to sheath his sword*, with this compassionate Motto, *It is enough.*

It is time we should begin to answear the bounty of our God, who has so freely given us the blessings of 10 *thousands Talents*, by freely forgiving our *Fellow-servants the small summe of* 100 *pence*. Let us not invade or storm the Consciences of our brethren; *for the Lord was not in the great and strong wind that rent the Mountaines and brake in pieces the Rockes*; Let us not shake the inward peace of any quiet and unoffensive Christian; For *the Lord was not in the Earthquake*: Let us not kindle in our hearts a devouring flame of uncharitable zeal; *for the Lord was not in the fire*: but let us compose our affections to the soft and gentle key of love and mutuall forbearance; *for the Lord was in the still small voyce.* Let us alwayes attend to this *still voyce of the Lord*, speaking within us, *doe as you would be done unto*; let us alwayes attend to this *small*, but sweet *voyce of the Lord*, calling upon us, *love your Enemies, blesse them that curse you, doe good to them that hate you; and pray for them that dispitefully use you and persecute you; that you may be the Children of your father which is in Heaven; for he maketh his sun to rise on the evill and on the good, and sendeth rain on the just and on the unjust; for if you love them which love you, what reward have you? doe not even the Publicanes the same? and if you salute your brethren only, what doe you more than others? doe not even the Publicans so? be you therefore perfect as your father which is in Heaven, is perfect.*

18. Mat. 23.

1 Kings. 19. 11, 12.

5. Mat. 44.

Postscript.

IT was the will and providence of the Lord (to whose dispensations aswell of Justice as Mercy we must resign our little interests) to call mee suddenly into the Countrey upon a sad and mournfull occasion, which utterly defeated my purpose of reviewing these few lines: And therefore, after my humblest submission of them to the judgement of the supreme Authority, I am encouraged to presume the Courteous pardon of the Readers, especially if (since it is truely a kind of death to me to live out of London) he will please to consider this as a posthumous Pamphlet, containing the serious though indigested thoughts of

Will. Birchley.

Erata.

PAge 3. line last but 5. read *it seemes, divers.* p. 9. l. 4. r, *and indispensably to be.* p. 12. l. 37. r, *distrust.* p. 30. l. last 1, *for difference.*